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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,041	03/02/2000	Dean F Jerding		4646

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SCIENTIFIC-ATLANTA, INC.  
INTELLECTUAL PROPERTY DEPARTMENT  
5030 SUGARLOAF PARKWAY  
LAWRENCEVILLE, GA 30044

EXAMINER
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VAN HANDEL, MICHAEL P

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	02/06/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 02/06/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/518,041	JERDING ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael Van Handel	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 82-120 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 82-120 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/13/2006 has been entered.

### *Response to Amendment*

1. This action is responsive to an Amendment filed 11/13/2006. Claims **82-120** are pending. Claims **1-81** are canceled. Claims **82-120** are new.

### *Response to Arguments*

1. Applicant's arguments regarding claims **82, 95, 108**, filed 11/13/2006 have been fully considered, but they are not persuasive.

Regarding claims **82, 95, and 108**, the applicant argues that the initial screen shown in Fig. 8 of Tomita et al. is the only screen that is initially presented according to the reference. The examiner respectfully disagrees. Tomita et al. discloses an initial screen with a profile-management button 42 (p. 4, paragraph 67 & Fig. 8). The customized-program-listing instruction of the initial screen is used for displaying a listing of television programs with contents, which are customized by the user through a setting screen (p. 5, paragraph 78). The

user accesses the setting screen by operating the profile-management button 42 of the initial screen (p. 5, paragraph 81). From the setting screen, the user can operate the modify button 62 to change customized categories, customized time, and a start-up screen (p. 5, paragraph 82 & Fig. 10). If the user has operated the modify button 62, the broadcast-program-information supplying program creates a setting screen, which is used for setting customized categories (only the television programs falling into these categories will be displayed on a listing of television programs), customized time slots (only the television programs in these time slots will be displayed on a listing of television programs), and a start-up screen (this start-up screen will be displayed at the time of starting up)(p. 6, paragraphs 94, 95). Tomita et al. further discloses that the start up screen can be set to the customized listing of programs (Fig. 14). Thus, the examiner maintains that Tomita et al. discloses a processor that is “configured to receive an initial-IPG-view instruction from a viewer to select one of at least two views as an initial view when the display screen is initially changed to the IPG view and, wherein, upon receiving an activation instruction from the viewer, the processor is further configured to display the program information in the initial view selected by the viewer,” as currently claimed.

Regarding the applicant’s argument that the profile management button of Tomita et al. would be presented on all configurations of Fig. 8, since it may be desirable to allow a user to make changes, the examiner respectfully disagrees. The examiner fails to find any indication in Tomita et al. that the user can modify the initially displayed screen once it has been changed. Furthermore, the applicant’s own specification states discloses an interactive program guide initial arrangement selection menu for a system operator at a headend to configure which initial view a client device will implement (p. 17, l. 19-23; p. 18, l. 1-7; & Fig. 5), and states that, in an

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alternative embodiment of the invention, the subscriber can define which initial view the subscriber desires to see as a default initial view *each time the IPG 38 is activated on the display* 21 (p. 18, l. 7-10 & p. 27, l. 4-6, 12-15). That is, the examiner fails to find any mention of modifying the default initial view once it has been set in the applicant's specification. Thus, the examiner finds the applicant's argument to be moot.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims **84-90, 97-103, 110-116** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Referring to claims **84, 97, and 110**, the examiner interprets the claims as making reference to p. 24, l. 6-11 of the applicant's specification. The examiner interprets the claim as defining that the user may modify the arrangement of the theme view, such that each time the program guide is initialized it is presented in the arrangement defined by the user. This section of the specification specifically makes reference to altering the default positions that can be selected when the "C" function key on the remote control is actuated within the program guide. The examiner notes that, in all places of the specification referencing the "C" function key, the

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functionality is described as resulting in a modified time, theme, or title format when actuated *subsequent* to the input that initially displays the IPG screen (see p. 18, l. 11-24; p. 19, l. 1-6, 15-23; p. 20; p. 21; p. 22; p. 23; p. 24, l. 1-11). The discussion of each particular mode (time, theme, and title) is organized with a first discussion and figure of the initial guide arrangement, followed by a discussion and figure of a corresponding *modified* format, which has been modified by actuating the “C” function key *subsequent* to the input that initially displayed the IPG screen (see p. 19, l. 15-19, 23; p. 20, l. 1-16, 19-24; p. 21, l. 1-2, 10-16; p. 22, l. 17-24; p. 23, l. 5-10; & Figs. 6-11). This is made particularly apparent in p. 19, l. 23; p. 20, l. 1-2, which states that the current program shown in the video area of Fig. 6 corresponds to channel 10 at 12:01 p.m. and does not match the in-focus program on channel 1 at 2:00pm. The current program shown in the video area corresponds to the in-focus program only after the user actuates the “C” function key subsequent to the input that initially displayed the IPG screen in Fig. 6 (see Fig. 7). The same is shown for Fig. 8, in which the current program does not match the in-focus program until the user actuates the “C” function key, resulting in Fig. 9. The same is shown for the title view mode in Figs. 10, 11. Thus, the examiner interprets p. 24, l. 6-11 as referring to the different default positions the user can select to modify a guide arrangement when already within the guide; however, the examiner fails to find adequate support that this modified guide arrangement is displayed in its modified form each time the display screen is initially changed to the IPG view.

Claims 85-90, 98-103, and 111-116 are rejected as being dependent on claims 84, 97, and 110, respectively.

Further regarding claims **88, 89, 101, 102, and 115**, the examiner interprets the claims as making reference to p. 24, l. 10 of the applicant's specification. The examiner notes that this portion of the applicant's specification states that a user may select a favorite category that the user has previously defined; however, the examiner fails to find support that the *processor* or *IPG* enables the viewer to select the favorite category. For example, the relevant passage in the specification could refer to a user communicating their favorite category to the headend, such that the headend could modify the configuration of the IPG accordingly. Furthermore, the examiner fails to find any mention of modifying the favorite category in the applicant's specification.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **82-89, 92-102, 105-115, 118-120** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomita et al. in view of LaJoie et al.

Referring to claims **82, 95, and 108**, Tomita et al. discloses a set-top terminal (STT)/IPG/method comprising:

- memory configured to store an interactive program guide (IPG), the IPG configured to display, on a display screen, program information related to a plurality of television programs; the program information for each television program including at least a

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- title of the television program, a start time of the television program, and a channel on which the television program can be viewed (p. 3, paragraph 46 & p. 4, paragraphs 62-64; p. 5, paragraph 73; & Fig. 9); and
- a processor in communication with the memory, the processor configured to control the IPG to display the program information (p. 3, paragraphs 46, 47);
  - wherein the processor is further configured to receive an activation instruction from a viewer to change the display screen to an IPG view predominantly showing program information (p. 4, paragraphs 66, 67; p. 5, paragraphs 68-73; & Fig. 9);
  - wherein the processor is further configured to receive an arrangement instruction from the viewer to display the program information in one of at least two views including at least a time view and a theme view (p. 5, paragraphs 73, 74; p. 6, paragraph 95; & Figs. 9, 14);
  - wherein the time view presents the program information based on start times and listed in an order based on channel numbers, and the theme view presents a theme name and the program information of television programs within a particular theme category and listed in an order based on start time (p. 5, paragraph 74; p. 6, paragraph 95, p. 8, paragraph 121; & Figs. 9, 14, 17);
  - wherein the processor is further configured to receive an initial-IPG-view instruction from the viewer to select one of the at least two views as an initial view when the display screen is initially changed to the IPG view (p. 6, paragraph 95 & Fig. 14); and
  - wherein, upon receiving an activation instruction from the viewer, the processor is further configured to display the program information in the initial view selected by



the viewer (the examiner notes that the user can customize the categories and times that program listings are restricted to and can then set the customized listing of programs as the start up screen that is shown upon activation)(p. 6, paragraph 95 & Fig. 14).

Tomita et al. does not disclose changing the display screen from a program view predominantly showing a television program to an IPG view predominantly showing program information upon receiving an activation instruction. LaJoie et al. discloses switching from a normal television program display to an interactive program guide (IPG) display when a user presses a guide key (col. 23, l. 44-59; col. 25, l. 61-66; & Figs. 16, 18). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Tomita et al. to include switching from a normal television program display to an IPG display when a user presses a key, such as that taught by LaJoie et al. in order to provide a full service television system capable of delivering advanced television services (col. 1, l. 43-45).

Referring to claims **83**, **96**, and **109**, the combination of Tomita et al. and LaJoie et al. teaches the STT/IPG/method of claims 82, 95, and 108, respectively, wherein the memory receives the program information from a server (Tomita et al. p. 4, paragraph 60).

Referring to claims **84**, **97**, and **110**, the combination of Tomita et al. and LaJoie et al. teaches the STT/IPG/method of claims 82, 95, and 108, respectively, wherein the processor is further configured to receive an initial-theme-view instruction from the viewer for selecting an initial arrangement of the theme view when the theme view is initially presented (Tomita et al. p. 6, paragraph 95 & Fig. 14).

Referring to claims **85, 98, and 111**, the combination of Tomita et al. and LaJoie et al. teaches the STT/IPG/method of claims 84, 97, and 110, respectively. Tomita et al. further discloses limiting an initially shown program listing by category and time (p. 6, paragraph 95). Tomita et al. does not disclose that the initial arrangement of the theme view is based on a currently showing television program. LaJoie et al. discloses an arrangement of a theme view based on currently showing television programs (col. 26, l. 64-67 & Fig. 20). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the initially shown, category customized, program listing of Tomita et al. in the combination of Tomita et al. and LaJoie et al. to include arranging the listing based on a currently showing television program, such as that taught by LaJoie et al. in order to provide a user with a more convenient interface for accessing currently available programs.

Referring to claims **86, 99, and 112**, the combination of Tomita et al. and LaJoie et al. teaches the STT/IPG of claims 84, 97, and 110, respectively, wherein the initial arrangement of the theme view is based on an alphabetical listing of current television programs (the examiner notes that Tomita et al. discloses identifying program titles in a program listing based on alphabetical characters)(Tomita et al. Figs. 9, 17).

Referring to claims **87-89, 100-102, and 113-115**, the combination of Tomita et al. and LaJoie et al. teaches the STT/IPG of claims 84, 97, and 110, respectively, wherein the initial arrangement of the theme view is based on a favorite category, and wherein the processor enables the viewer to select and modify the favorite category (Tomita et al. p. 6, paragraph 95; p. 8, paragraph 121; & Figs. 14, 17).

Referring to claims 92, 105, and 118, the combination of Tomita et al. and LaJoie et al. teaches the STT/IPG/method of claims 82, 95, and 108, respectively. Tomita et al. further discloses wherein, in response to receiving the arrangement instruction, the processor is configured to display the program information in one of at least two views including at least a time view and a theme view (see appropriate citations regarding claim 82 above). Tomita et al. does not disclose wherein, in response to receiving the arrangement instruction, the processor is further configured to display the program information in one of at least three views including at least the time view, the theme view, and a title view, the title view presenting the program information of television programs within a current and future time period and listed in alphabetical order. LaJoie et al. discloses arranging program listings in an interactive program guide according to time, theme, or title (Figs. 16, 17, 20-23). LaJoie et al. further discloses that, in arranging program listings according to title, the programs are presented within a current and future time period (CBS Sports Special is current, Casablanca is future) and are listed in alphabetical order (Fig. 22). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Tomita et al. and LaJoie et al. to include a title view presenting program information within a current and future time period and listed in alphabetical order, such as that taught by LaJoie et al. in order to provide an intuitive user interface for searching a comprehensive list of programs.

Referring to claims 93, 94, 106, 107, 119, and 120, the combination of Tomita et al. and LaJoie et al. teaches the STT/IPG/method of claims 92, 105, and 118, respectively. Tomita et al. does not disclose that the processor is further configured to enable the viewer to select an option to initially display a menu within the at least three views, the menu enabling the user to select the

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time view, theme view, or title view. Tomita et al. further does not disclose that the processor is further configured to enable the viewer to select an option to disable the display of the menu.

LaJoie et al. discloses pressing a guide key to enter an interactive program guide that allows the user to browse by time, theme, or title from the initial screen (col. 25, l. 63-66 & Figs. 16, 18, 19). LaJoie et al. further discloses a select key that, when pressed, causes the interactive program guide to be removed from the display (col. 26, l. 15-20). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Tomita et al. and LaJoie et al. to include pressing a key to enable a browse by time, theme, or title menu and pressing another key to disable the menu, such as that taught by LaJoie et al. in order to provide a user with a menu for easily locating programs they're interested in.

3. Claims **90, 103, 116** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomita et al. in view of LaJoie et al. and further in view of Bedard.

Referring to claims **90, 103, and 116**, the combination of Tomita et al. and LaJoie et al. teaches the STT/IPG/method of claims 84, 97, and 110, respectively. The combination of Tomita et al. and LaJoie et al. does not teach that the initial arrangement of the theme view includes a recommended television program based on viewing habits. Bedard discloses monitoring a viewer's viewing behavior to determine the viewer's preferred channels and the types or categories of television programming that the viewer prefers on those channels and storing the gathered information in a viewer profile. This information is then used to tailor an Electronic Program Guide's (EPG's) presentation of television program guide information for a viewer (col. 3, l. 33-49). It would have been obvious to one of ordinary skill in the art at the time

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that the invention was made to modify the initially shown, category customized, program listing of Tomita et al. in the combination of Tomita et al. and LaJoie et al. to include tailoring the presentation of television program guide information based on a viewer's viewing behavior, such as that taught by Bedard in order to provide faster access to information concerning a viewer's preferred channels (Bedard col. 3, l. 47-49).

4. Claims **91, 104, 117** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomita et al. in view of LaJoie et al. and further in view of Young et al.

Referring to claims **91, 104, and 117**, the combination of Tomita et al. and LaJoie et al. teaches the STT/IPG of claims 82, 95, and 108, respectively. The combination of Tomita et al. and LaJoie et al. does not teach that the processor is further configured to enable the viewer to select an option to display the last IPG view in effect at the time of exit from a first IPG view when the display screen has been changed from the first IPG view back to the program view predominantly showing television program. Young et al. discloses entering a program guide, exiting the guide back to a TV mode, and, upon reactivating the program guide, resuming the guide session from the last listing displayed (col. 24, l. 25-64). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Tomita et al. and LaJoie et al. to include allowing a user to resume a guide session from the state of a previous guide session, such as that taught by Young et al. in order to provide a user with the highly desirable ability to resume and continue forward from a last listing (Young et al. col. 22, l. 49-51).

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571-272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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